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PTO/SB/21 (09-04)

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| <b>TRANSMITTAL FORM</b><br><br>(to be used for all correspondence after initial filing) | Application Number   | 10/828,392             |           |
|   | Filing Date          | 04/19/2004             |           |
|   | First Named Inventor | Kenneth G. McKee       |           |
|   | Art Unit             | 3754                   |           |
|   | Examiner Name        | Frederick C. Nicolas   |           |
| Total Number of Pages in This Submission  | 20                   | Attorney Docket Number | 2617U.001 |

| ENCLOSURES (Check all that apply)   |   |   |
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| SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT |                         |          |        |
|--|-------------------------|----------|--------|
| Firm Name                                  | McHale & Slavin, P.A.   |          |        |
| Signature                                  | <i>Ferris H. Lander</i> |          |        |
| Printed name                               | Ferris H. Lander        |          |        |
| Date                                       | 9/16/2005               | Reg. No. | 43,377 |

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| Typed or printed name   | Debra N. Gerstemeier | Date | 9-16-2005 |

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT : Kenneth G. McKee  
INVENTION : Caulking Tube Sealing Cap  
SERIAL NUMBER : 10/828,392  
FILING DATE : Apr. 19, 2004  
EXAMINER : Nicolas, Frederick C.  
GROUP ART UNIT : 3754  
OUR FILE NO. : 2617U.001

CERTIFICATE UNDER 37 CFR 1.8(a)

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**RESPONSE TO OFFICE ACTION OF July 15, 2005**

Sir:

In response to the Office Action dated July 15, 2005 having  
a shortened statutory period for response set to expire October 17,  
2005, kindly enter the following response:

It is noted that claims which are not drawn to the elected  
invention remain pending herein, as the instant response also  
contains a request for rejoining under *Ochiai*.

**Amendments to the Claims are reflected in the listing of claims  
which begins on page 2 of this paper.**

**Remarks/Arguments begin on page 10 of this paper.**